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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,487	03/09/2004	Yuichi Ueda	MM8844US	2312
22203	7590	03/30/2005	EXAMINER	
KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/796,487

Applicant(s)

UEDA, YUICHI

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1, line 1, is objected to because of the following informalities: "fort" should be --for--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. With respect to claim 1, line 5, it is unclear whether the running truck body is in the form of a square cylinder (i.e. in the shape of), or formed from square cylinder type material. See also line 10 in relation to raising and lowering poles.
5. With respect to claim 1, line 15, longitudinal is unclear with respect to the running truck body. Because the poles adjacently attach to the cylinder, it is not apparent what a "longitudinal side" is. Does "longitudinal side" of the cylinder refer to the top, side near storage sections, side away from storage sections, front (i.e. contact surface side), or rear? See also claim 2, line 16, claim 5, line 14 and claim 6, line 23 for similar confusion. Moreover, does running truck "longitudinal direction" refer to the vertical travel along poles or horizontal travel?

### ***Claim Rejections - 35 USC § 102***

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohgita et al. (US 5,450,929).
8. With respect to claim 1, referring to FIGS. 1-14 Ohgita et al. disclose an article conveying apparatus 10 for conveying articles 3 between article storage sections 1, 2 comprising a running truck body 14, 11, 13 guided along a track 6, platform 16 with a transfer device 16 for transferring articles 3, raising and lowering poles 12 which allow a platform 16 to ascend and descend and connected perpendicularly to a running truck body longitudinal side 47.
9. With respect to claim 2, referring to FIGS. 1-14 Ohgita et al. disclose an article conveying apparatus 10 for conveying articles 3 between article storage sections 1, 2 comprising a running truck body 14, 11, 13 that runs along a track 6, platform 16 with a transfer device 16 for transferring articles 3, an upper truck body 13 guided by an upper track 5 on a ceiling, raising and lowering poles 12 which guide and support a platform 16, a pole lower end 12 connected to a running truck body longitudinal side 47, and a pole upper end 12 connected to a upper truck body longitudinal side 13.

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10. With respect to claim 3, referring to FIGS. 1-14 Ohgita et al. disclose an upper truck body 13 and a running truck body 14, 11, 13 on a same side of raising and lowering poles 12.
11. With respect to claim 4, referring to FIGS. 1-14 Ohgita et al. disclose a laterally central position of raising and lowering poles 12 is a laterally central position of an article conveying apparatus 10.
12. With respect to claim 5, referring to FIGS. 1-14 Ohgita et al. disclose an article conveying apparatus 10 for conveying articles 3 between article storage sections 1, 2 comprising a running truck body 14, 11, 13 guided along a track 6, platform 16 with a transfer device 16, raising and lowering poles 12 which allow a platform 16 to ascend and descend and connected perpendicularly to a running truck body longitudinal side 47, a running truck body 14, 11, 13 having a longitudinal side 13 connected to a raising and lower poles lower end and supported by wheels 20, 21.
13. With respect to claim 6, referring to FIGS. 1-14 Ohgita et al. disclose an article conveying apparatus 10 for conveying articles 3 between article storage sections 1, 2 comprising a running truck body 14, 11, 13 guided along a track 6, platform 16 with a transfer device 16, raising and lowering poles 12 which allow a platform 16 to ascend and descend and connected perpendicularly to a running truck body longitudinal side 47, a pair of raising and lowering ropes 34 connected to a platform upper part 16 (col. 7, lns. 65-68) and a platform center 19, and a driving wheel 33 for feeding and winding ropes 34.

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14. With respect to claim 7, referring to FIGS. 1-14 Ohgita et al. disclose a tension setting device 36 to tension ropes 34.
15. With respect to claim 8, referring to FIGS. 1-14 Ohgita et al. disclose a running drive device 25 drives driving wheels 33.
16. With respect to claim 9, referring to FIGS. 1-14 Ohgita et al. disclose a raising and lowering drive device 30 to raising and lower a platform 16 located at a running truck body latitudinal side.
17. With respect to claim 10, referring to FIGS. 1-14 Ohgita et al. disclose a control panel 39 with a swinging door faces in the longitudinal direction and located outside one raising and lower poles 12.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohgita et al. (US 5,450,929) as applied to claim 1 above, and further in view of Benjamin (US 4,286,911). Ohgita et al. disclose an article conveying apparatus with a contact surface 39 but does not disclose two contact surfaces, one each on a running truck body end. Referring to FIG. 2 Benjamin disclose an article conveying apparatus 10 having a contact surface 35 in contact with a shock absorber located at a track terminal end and provided at a longitudinal side 20 of each running truck body end

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20. Benjamin teaches that when pressed inwardly contact surfaces 35 signal a track end 68, contact surface depression immediately disabling a driving force 70, 72, 81. Col. 6, Ins. 16-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the article conveying apparatus of Ohgita et al. to include a contact surface, as per the teachings of Benjamin, such that when pressed inwardly contact surfaces 35 signal a track end 68 and disable a driving force.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0039527 to Kamide

US 5,238,348 to Reimer

US 5,170,863 to Devroy

US 5,149,242 to Haymore

US 5,149,241 to Haymore et al.

US 5,056,625 to Miskin et al.

US 3,905,492 to Maeda et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-Th, 8:30-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwa



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